

REMARKS

Upon entry of the present amendment, claims 11, 12, 34, and 36 will have been amended by virtue of having been written into independent form. As a result, the dependencies of claims 32 and 33 will have been changed to depend from claim 34. Additionally, claims 3-6, 10, 14-21, 31, and 37 will have been canceled without prejudice. Additionally, new dependent claims 38-39 (corresponding to claims 32 and 33), depending from claim 36, will have been submitted for consideration by the Examiner.

In the outstanding Official Action, the Examiner objected to claims 11, 12, 34, 36, as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claims and any intervening claims. The Examiner also rejected claims 3-6, 10, 14, and 31 under 35 U.S.C. § 101. The Examiner also rejected claims 3-6, 10, 14, and 31 under 35 U.S.C. § 112, second paragraph. The Examiner also rejected claims 3-6, 10, 14, 16-18, 20-21, and 37 under 35 U.S.C. § 102(b) as being anticipated by KLEIN et al. (U.S. 6,397,227). The Examiner also rejected claims 15, 19, and 31-33 as being unpatentable under 35 U.S.C. § 103(a) as being unpatentable over KLEIN et al. in view of DUSTAN et al. (U.S. 5,884,312). The Examiner also indicated that newly submitted claim 37 is directed to an invention that is independent or distinct from the invention originally claimed as being part of non-elected group V.

Applicant would like to thank the Examiner and Primary Examiner Neveen Abel-Jalil for conducting a telephone interview with a representative for the Applicant, John Mazzola, on May 1, 2007. During said interview, Mr. Mazzola

and the Examiners discussed objected to claims 11 and 12 (which depend from claim 10) and objected to claims 34 and 36 (which depend from claim 31), as well as the respective independent claims 10 and 31. As noted above, in the outstanding Official Action, the Examiner objected to claims 11, 12, 34, and 36, as being dependent upon a rejected base claim, but would be allowable if rewritten into independent form including all of the limitations of the base claims and any intervening claims.

As a result of the interview, the Examiners agreed to withdraw the rejections of claims 10 and 31 under 35 U.S.C. § 101. Further, the Examiners agreed to withdraw the rejections of claims 10 and 31 under 35 U.S.C. § 112, second paragraph, if the Applicant replaced the term "enabling" in claims 10 and 31 with the term --activating--, in conjunction with writing claims 11, 12, 34, and 36 into independent form, which Applicant has done by virtue of the present amendment.

In the present amendment, Applicant has written claims 11, 12, 34, and 36 into independent form, and has added new dependent claims 38-39 for consideration by the Examiner. New claims 38-39 (corresponding to claims 32 and 33, which have been amended to depend from claim 34) depend from claim 36.

Applicant has not acquiesced in the propriety of the Examiner's rejections regarding any of the claims of the present application, but has amended the noted claims and has canceled other claims merely in order to expedite prosecution. Further, Applicant reserves the right to file continuing applications

directed at the claims canceled herein. Applicant has also not acquiesced in the propriety of the Examiner's withdrawal of claim 37, and has reserved the right to file a claim directed to the combination of features of claim 37 in a continuing application.

Applicant submits that claims 11, 12, 34, and 36 are in condition for allowance. With regard to dependent claims 32, 33, 38, and 39, Applicants assert that they are allowable on their own merit, in addition to being allowable by depending either directly or indirectly from independent claims 11, 12, 34, and 36, which the Examiner has indicated to contain allowable subject matter.

Thus, Applicants submit that claims 11, 12, 32, 33, 34, 36, 38, and 39 are in condition for allowance. Accordingly, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections of the claims, as well as an indication of the allowability of each of the claims in view of these remarks.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believe that he has now done so.

Applicant notes the status of the present application as being after final rejection and with respect to such status believes that there is a clear basis for the entry of the present amendment consistent with 37 C.F.R. § 1.116. Applicant notes that amendments after final are not entered as a matter of right, however, Applicant submits that the amendments made to the pending claims do not raise any new issues requiring further search or consideration. It is also submitted that the present amendment does not raise the question of new matter. Moreover, the present amendment clearly places the present application in condition for allowance, at least due to the Examiner's indication of allowable subject matter in the outstanding Office Action, as well as the Examiners' statements during the aforementioned telephone interview.

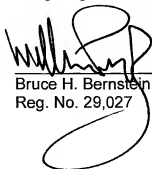
Accordingly, Applicant respectfully requests entry of the present amendment in accordance with the provisions of 37 C.F.R. § 1.116, reconsideration and withdrawal of the outstanding objections and rejections, and indication of allowability of claims 11, 12, 32, 33, 34, 36, 38, and 39 pending herein.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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